

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re: : Chapter 13
Jeffrey G Richmond :
: Case No. 17-32838
: :
: JUDGE HUMPHREY

APPLICATION TO EMPLOY BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER AS SPECIAL COUNSEL FOR THE DEBTOR

Debtor, Jeffrey Richmond (hereinafter “the Debtor”), respectfully represents that he had a liability claim against Dry Patrol, LLC which created additional equity for the Bankruptcy Estate. For that reason, the Debtor seeks to employ BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER for the civil claim against Dry Patrol, LLC in accordance with 11 U.S.C. §327 and LBR 2014.

The Debtor believes that it is in the best interest of the bankruptcy estate, and that it is necessary that for BOUCHER AND BOUCHER CO., LPA be authorized to render the above-described legal services. BOUCHER AND BOUCHER CO., LPA is familiar with the claim of the Debtor and has had considerable experience in civil liability cases which makes them well-qualified to represent the Debtor and this Bankruptcy estate.

Julia C. Kolber is the case attorney for the Dry Patrol liability claim. She is an attorney at law, duly admitted to practice before the Montgomery County Court of Common Pleas and before all Ohio state courts.

To the best of the Debtor’s knowledge, said BOUCHER AND BOUCHER CO., LPA does not and shall not during the pendency of this case, hold or represent any interest adverse to the bankruptcy estate and Julia C. Kolber is a disinterested person within the meaning of 11 U.S.C. § 101(14). The affidavit of Julia C. Kolber is attached hereto and incorporated herein by reference. (*See Exhibit A*).

BOUCHER AND BOUCHER CO., LPA entered into a written fee agreement with the Debtor herein which provides for an hourly rate of \$250.00 per hour, with no contingency or flat fee agreements.

The Debtor requests that the same fee agreement apply to the proposed service as special counsel for the bankruptcy estate.

The Debtor submits that BOUCHER AND BOUCHER CO., LPA will not be paid attorney fees without further application and order by this Court.

The Debtor submits that it is consistent with the Bankruptcy Code that BOUCHER AND BOUCHER CO., LPA be authorized to represent the Debtor in his pending civil liability claim.

No previous application for the relief sought herein has been made to this or any other Court. BOUCHER AND BOUCHER CO., LPA has not entered into any agreement to share any fees awarded by the Court with any other party in interest, including the Chapter 13 Trustee.

WHEREFORE, the Debtor moves for an Order of this Court authorizing the retention and employment, as of the date of this Application, of BOUCHER AND BOUCHER CO., LPA as special counsel for the estate, to be compensated as set forth above.

Respectfully submitted,

/s/ Julia C. Kolber
Julia C. Kolber (0078855)
BOUCHER & BOUCHER CO., LPA
12 W. Monument Ave., Suite 200
Dayton, OH 45402-1202
t: 937.223.0122
f: 937.223.0120
Email: *Julia@boucherandboucher.com*

/s/ Thomas M. Fesenmyer
Thomas M. Fesenmyer (0073901)
FESENMYER LAW OFFICES, LLC
Attorney for Debtor
120 W. 2nd St., Suite 1212
Dayton, OH 45402
t: 937.222.7472
f: 614.228.3882
Email: *tom@fcwlegal.com*

NOTICE OF FILING OF APPLICATION TO EMPLOY SEPCIAL COUNSEL

Debtor in this case has filed papers with the Court to employ BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the Court to enter an order authorizing the employment of special counsel, or if you want the Court to consider your views on the Application, then on or before twenty-one (21) days from the date listed on the Certificate of Service below, you or your attorney must file with the Court a written response outlining your position and/or a written request for a hearing. If you mail your response/request to the Court, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Thomas M. Fesenmyer
FESENMYER LAW OFFICES, LLC
Attorney for Debtor
120 W. 2nd St., Suite 1212
Dayton, OH 45402

Julia C. Kolber
Boucher & Boucher Co., LPA
12 W. Monument Ave., Suite 200
Dayton, OH 45402-1202

Office of the United States Trustee
170 N. High Street, Suite 200
Columbus, Ohio 43215

Jeffrey M. Kellner, Chapter 13 Trustee
131 N. Ludlow St., Suite 900
Dayton, OH 45402-1161

Jeffrey G. Richmond
115 Horace St.
Dayton, OH 45402

If the Court sets a hearing on your response/request, you must also attend the hearing. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing APPLICATION TO EMPLOY BOUCHER AND BOUCHER CO., LPA AND ATTORNEY JULIA C. KOLBER AS SPECIAL COUNSEL FOR THE DEBTOR was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by ordinary U.S. Mail on February 7th, 2018 addressed to:

Debtor:

Jeffrey G. Richmond
115 Horace St.
Dayton, OH 45402

Creditors:

See attached mailing list

/s/ Julia C. Kolber
BOUCHER AND BOUCHER CO., LPA

/s/ Thomas M. Fesenmyer
Thomas M. Fesenmyer (0073901)
FESENMYER LAW OFFICES, LLC

Case 3:17-bk-32838 Doc 76 Filed 02/07/18 Entered 02/07/18 12:21:11 Desc Main
Label Matrix for Local Noticing 2011-2012 Opportunity Fund 6-1, LLC
0648-3 co HomeServicing LLC Document Page 5 of 9
Case 3:17-bk-32838 2431 S. Acadian Thruway, Ste. 525
Southern District of Ohio Baton Rouge, LA 70808-2377
Dayton 323 Fifth Street
Wed Feb 7 12:15:02 EST 2018 Eureka, CA 95501-0305

(p)APPLIED BANK Asst US Trustee (Day)
PO BOX 15809 Office of the US Trustee
WILMINGTON DE 19850-5809 170 North High Street
1200 Suite 200
Columbus, OH 43215-2417
Austin B Barnes III
Law Offices of Manbir S. Sandhu, LLC
1213 Prospect Avenue, Suite 300
Cleveland, OH 44115-1260

Bayview Loan Servicing, LLC (p)CAPITAL ONE
Attn: Bankruptcy Dept. PO BOX 30285
4425 Ponce de Leon Blvd., 5th Floor SALT LAKE CITY UT 84130-0285
Miami, FL 33146-1837
Chase Mtg
P.o. Box 24696
Columbus, OH 43224-0696

Code C U I/1 Credit Acceptance Credit One Bank Na
355 W Monument Ave Po Box 513 Po Box 98875
Dayton, OH 45402-3016 Southfield, MI 48037-0513 Las Vegas, NV 89193-8875

Creditonebnk Deutsche Bank National Trust Co. Trustee (Se Thomas M Fesenmyer
Po Box 98875 c/o Specialized Loan Servicing LLC Fesenmyer Law Offices, LLC
Las Vegas, NV 89193-8875 8742 Lucent Blvd, Suite 300 120 West Second Street, Suite 1212
Highlands Ranch, Colorado 80129-2386 Dayton, OH 45402-1685

First Premier Bank G M A C Adam Bradley Hall
601 S Minnesota Ave 200 Renaissance Ctr Manley Deas Kochalski
Sioux Falls, SD 57104-4868 Detroit, MI 48243-1300 P.O. Box 165028
Columbus, OH 43216-5028 Columbus, OH 43216-5028

Homeserv Llc JPMorgan Chase Bank, NA Jeffrey M Kellner
314 S Franklin St c/o Manley Deas Kochalski LLC 131 N Ludlow St
Titusville, PA 16354-2168 P.O. Box 165028 Suite 900
Columbus, OH 43216-5028 Dayton, OH 45402-1161

MONTGOMERY COUNTY TREASURER Midland Funding (p)MONTGOMERY COUNTY ENVIRONMENTAL SERVICES
451 WEST THIRD STREET 2365 Northside Dr Ste 30 1850 SPAULDING RD
DAYTON, OH 45422-0002 San Diego, CA 92108-2709 KETTERING OH 45432-3732

Montgomery County Treasurer Matthew Murtland Nationstar Mortgage, LLC
451 W. Third St. Shapiro, Van Ess, Phillips & Barragate ALDRIDGE PITE, LLP
P.O. Box 972 4805 Montgomery Road, Suite 320 4375 Jutland Drive, Suite 200
Dayton, OH 45422-1000 Cincinnati, OH 45212-2280 P.O. Box 17933
San Diego, CA 92177-7921

Nationstar/mr. Cooper Navient Navient Solutions, LLC. on behalf of
350 Highland Dr Po Box 9500 United Student Aid Funds, Inc.
Lewisville, TX 75067-4177 Wilkes Barre, PA 18773-9500 Attn: Bankruptcy Litigation Unit E3149
PO Box 9430
Wilkes Barre, PA 18773-9430

Novastar Financial
1900 West 47th Place Suite 205
Shawnee Mission, KS 66205-1852

OCWEN Loan Servicing
Document Page 6 of 9
12650 Ingenuity Dr.
Orlando, FL 32826-2703

Ocwen Loan Servicing L
12650 Ingenuity Dr
Orlando, FL 32826-2703

Ocwen Loan Servicing, LLC
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409-6493

Ocwen Loan Servicing, LLC
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409-6493

Paul T. Saba, Esq.
Stagnaro, Saba & Patterson Co., LPA
2623 Erie Ave.
Cincinnati, OH 45208-2001

PNC Bank
2730 Liberty Ave
Pittsburgh, PA 15222-4747

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Jeffery G. Richmond
115 Horace St.
Dayton, OH 45402-8316

Ron's Auto Sales
7901 N Main St
Dayton, OH 45415-2329

Rons Auto Sales
7901 N. Main St.
Dayton, OH 45415-2329

S&N Servicing Corp
323 5th St.
Eureka, CA 95501-0305

Paul T Saba
Stagnaro Saba & Patterson
2623 Erie Ave.
Cincinnati, OH 45208-2001

Suzanne M. Godenswager
1213 Prospect Ave., Suite 300
Cleveland, OH 44115-1260

Synccb/sams Club
Po Box 965005
Orlando, FL 32896-5005

Tax Ease Ohio LLC
14901 Quorum Dr., Suite 900
Dallas, TX 75254-7021

Tax Ease Ohio LLC
CO CSC Lawyers Inc Service
50 West Broad St., Suite 1800
Columbus, OH 43215-5910

Tax Ease Ohio, LLC
c/o Sandhu Law Group, LLC
1213 Prospect Avenue, Suite 300
Cleveland, Ohio 44115-1260

Tax Redevelopment, LLC
2623 Erie Avenue
Cincinnati, OH 45208-2001

U.S. Bank National Association
Nationstar Mortgage LLC d/b/a Mr. Cooper
ATTN: Bankruptcy Dept. PO BOX 619096
Dallas, TX 75261-9741

US Attorney
200 W Second St Rm 602
Dayton OH 45402-1480

Wf Crd Svc
Cscl Dispute Team N8235-04m
Des Moines, IA 50306

Wffinancial
2501 Seaport Dr Ste Bh30
Chester, PA 19013-2249

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Applied Bank
4700 Exchange Court
Boca Raton, FL 33431

Capital One
15000 Capital One Dr
Richmond, VA 23238

Montgomery County Environmental Services
1850 Spaulding Rd.
Kettering OH 45432

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)HSBC Bank USA, NA

(u)JPMorgan Chase Bank, NA

(u)Tax Ease Ohio, LLC

(d)Tax Redevelopment, LLC
2623 Erie Ave.
Cincinnati, OH 45208-2001

(u)US Bank, NA

(u)Wells Fargo Bank, N.A.

End of Label Matrix
Mailable recipients 52
Bypassed recipients 6
Total 58

LBR Form 2014-1(g) - 2

EXHIBIT A

AFFIDAVIT OF PROPOSED SPECIAL COUNSEL

State of Ohio }
County of Montgomery } ss:

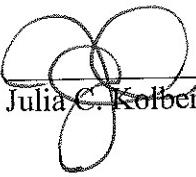
I, Julia C. Kolber, being duly sworn, hereby declare under oath the following:

- I am the Attorney named in the Application of to Appoint Special Counsel.
- My mailing address, telephone number, fax number, email address and state bar number are:

Julia C. Kolber, (Bar Reg. #0078855)
Boucher & Boucher Co., LPA
12 W. Monument Ave., Suite 200
Dayton, OH 45402-1202
t: 937.223.0122
f: 937.223.0120
Email: julia@boucherandboucher.com

- I am an Attorney licensed and in good standing to practice in the State of Ohio I and am duly admitted to practice in the Common Pleas Court of Montgomery County, Ohio.
- The representations set forth in the Application to Appoint Special Counsel are true and correct.
- I have no past or present relationship to the Debtor(s), the Trustee, any creditor or equity security holder of the Debtor(s), except as counsel for Debtor(s) regarding the Dry Patrol, LLC liability claim of **Jeffrey Richmond**, and as except for counsel for Debtor on past, unrelated lawsuits and legal matters. Further, I have no connection with the Debtor(s), creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, except as counsel for Debtor(s) regarding the Dry Patrol, LLC liability claim of **Jeffrey Richmond** and as except for counsel for Debtor on past, unrelated lawsuits and legal matters.
- I do not represent or hold an interest adverse to the debtor(s) or to the estate with respect to the matter on which I am to be employed.
- My proposed employment is not prohibited by or improper under Fed. R. Bankr. P. 5002.

- I declare under penalty of perjury that the foregoing is true and correct.


Julia C. Kolber, (Bar Reg. #0078855)

Sworn to and subscribed before me said Julia C. Kolber on this 6th day of February, 2018.


Kimberly R. Saine

Notary Public
Commission Expires _____



KIMBERLY R SAINE, Notary Public
In and for the State of Ohio
My Commission Expires April 28, 2021

STATE OF OHIO